



20 MAR 2003

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In re Application of
ROIFMAN, et al.
Application No.: 09/936,887
PCT No.: PCT/CA00/00266
Int. Filing Date: 13 March 2000
Priority Date: 12 March 1999
Attorney Docket No.: 280502000200
For: METHODS AND COMPOSITIONS FOR
TREATING LEUKEMIA

DECISION ON REQUEST
FOR REFUND AND
COMMUNICATION

This communication and decision is in response to applicant's submission of declarations on 06 November 2002 and "Request For Refund" filed by facsimile in the United States Patent and Trademark Office (USPTO) on 23 January 2003.

BACKGROUND

On 26 September 2002, applicant was mailed a decision dismissing as moot applicant's petition for withholding of abandonment as the originally filed papers were located in the file. Applicant was advised that the submitted declaration of inventors did not comply with 37 CFR 1.497 (a)-(b) as the filed declaration contained two "pages 3." Applicant was afforded two months to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b).

On 06 November 2002, applicant filed the declarations discussed below.

On 23 January 2003, applicant filed by facsimile a request for refund purportedly originally mailed 15 November 2001.

DISCUSSION

A review of the filed declarations find that they comply with 37 CFR 1.497 (a)-(b). Applicant has thus satisfied all the requirements for entry in to the National stage in the United States under 35 U.S.C. 371.

A review of the fee history for the present applicant finds that \$648.00 was refunded to Deposit Account No.: 03-1952 on 27 January 2003. However, applicant has not shown that the request for small entity status was filed within three months of the date of the timely payment of the full fee as required under 37 CFR 1.28 (a). As such, \$648.00 will again be charged to the

deposit account.

CONCLUSION

Applicant's request for a refund is **REFUSED**.

As applicant has now satisfied all the requirements for entry in to the National stage in the United States, this application is being returned to the United States Designated/Elected Office for processing in accordance with this decision, that is, for 1) according the application a 35 U.S.C. 371(c) date of **06 November 2002** and 2) charging Deposit Account No.: 03-1952 the required large entity fees.



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